

AUG 08 2005

60,137-167; 009-3018-U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Colligan
Serial Number: 10/662,935
Filed: 9/15/2003
Examiner: Fetsuga, Robert M.
Group Art Unit: 3751
Title: "Non-Rotatable Joints for Shower Head"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT

Dear Sir:

On 4 May 2005, applicant filed what it believes was a complete response to an office action dated February 8, 2005. On June 30, 2005, Examiner Fetsuga mailed a communication arguing that applicant's response was not fully responsive. It appears the communication leaves applicant only the option of supplementing the response and paying an extension fee. However, applicant believes that the proper response as indicated in the MPEP would have been to hold the prior response non-responsive and have offered a one-month period to complete the response. Thus, while applicant now submits this supplemental response, and applicant will petition for a three-month extension of time, applicant does not believe any petition is due, and applicant would ask the United States Patent and Trademark Office to waive the requirement of any extension fee.

60,137-167; 009-3018-U

However, in the event this request is denied, applicant hereby petitions for a three-month extension of time. Fees in the amount of \$1,590 may be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds.

The examiner argues that paragraphs 2, 10-13 and 16 of the prior office action were not addressed.

In a subsequent telephone conversation, the examiner indicated that his concern relative to paragraph 2, is that the substitute drawings submitted by applicant were not accompanied by an explanation of the changes made in the substitute drawings.

In this supplemental response, applicant will now describe the changes. Updated Figure 2 replaces reference numeral 28 with reference numeral 24. The brief description of the drawings was amended in the response to the office action of February 8, 2005. The amendment removed the reference to Figure 3 as "Prior Art" (par. 13). Accordingly, there is no need for including a "Prior Art" legend in Figure 3. Updated Figure 3 includes reference numeral "42" and reference character "X." Updated Figure 3 also includes a corrected leader associated with reference numeral "64."

As mentioned above, applicant believes the prior response was complete, and that a specific indication of every change is not necessary. However, in the event that such a specific indication was required, the examiner's proper course of action should have been a finding of non-responsiveness and a provision of a one-month period of time to correct the omission.

Paragraphs 10-12 go to 35 USC §112 rejections. Applicant has challenged the rejection of the independent claims over the base references. Applicant does not separately challenge the propriety of the 35 USC §103 rejections. It is not believed incumbent upon an applicant to

60,137-167; 009-3018-U

challenge every rejection in a response. Rather, an applicant need only challenge the rejections that it believes appropriate to challenge. Again, for this reason, it is believed the prior response was complete. However, as mentioned above, applicant now specifically states that there is no challenge on the 35 USC §103 rejections, other than the arguments made with regard to the failings of the prior art to meet the independent claims.

Paragraph 16 refers applicant to reading sections of the MPEP. It is assumed that the examiner's point in finding this paragraph was not responded to is merely to point the applicant's representative to instructions on how to file responses.

In sum, the prior response was complete and proper. If the prior response was not complete and proper, the examiner's avenue should have been a finding of non-responsiveness. However, this supplemental amendment does attend to each of the areas raised by the examiner. Allowance of all claims is now in order. An indication of allowability is now requested.

Respectfully submitted,

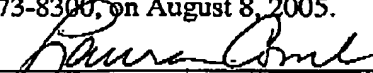


Theodore W. Olds, Reg. No. 33,080
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: August 8, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on August 8, 2005.


Laura Combs